

OCCUPATIONAL SAFETY
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NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING
OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
AND NOTICE OF PROPOSED CHANGES TO TITLE 8
OF THE CALIFORNIA CODE OF REGULATIONS

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING: On **May 11, 2000**, at 10:00 a.m.
in the Auditorium of the Ronald Reagan State Building,
300 South Spring Street, Los Angeles, California.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

PUBLIC HEARING: On **May 11, 2000**, following the Public Meeting,
in the Auditorium of the Ronald Reagan State Building,
300 South Spring Street, Los Angeles, California.

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupational safety and health standards in Title 8 of the California Code of Regulations.

BUSINESS MEETING: On **May 11, 2000**, following the Public Hearing,
in the Auditorium of the Ronald Reagan State Building,
300 South Spring Street, Los Angeles, California.

At the Business Meeting, the Board will conduct its monthly business.

DISABILITY ACCOMMODATION NOTICE: Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

JERE W. INGRAM, Chairman

NOTICE OF PROPOSED CHANGES TO TITLE 8
OF THE CALIFORNIA CODE OF REGULATIONS
BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to the General Industry Safety Orders in Title 8 of the California Code of Regulations, as indicated below, at its Public Hearing on May 11, 2000.

1. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
Chapter 4, Subchapter 7, Article 96
Section 4966(a)(1)
Erection and Dismantling of Tower Cranes

2. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
Chapter 4, Subchapter 7, Article 107
Section 5155
Airborne Contaminants

Descriptions of the proposed changes are as follows:

1. **TITLE 8:** **GENERAL INDUSTRY SAFETY ORDERS**
Chapter 4, Subchapter 7, Article 96
Section 4966(a)(1)
Erection and Dismantling of Tower Cranes

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

Section 4966. Erection, Dismantling and Operation.

This section contains various requirements pertaining to the erection, dismantling and operation of tower cranes such as, but not limited to, the following: supervision of the erection, dismantling and climbing of tower cranes, use of fall protection, preventing tower crane collapse, securing the tower crane mast, supporting loads, use of load limit devices, etc.

Subsection (a)(1) requires that the erection, climbing and dismantling of a tower crane be performed as recommended by, and under the supervision of, a certified agent's representative experienced in the erection and dismantling of tower cranes.

A revision is proposed to delete the existing subsection (a)(1) language after the word "...shall..." and replace it with the requirement that the erection, climbing (up or down) and dismantling of a tower crane shall comply with Section 341.1(b)(2) of the Division of Occupational Safety and Health's regulations.

The proposed revision will clarify to the employer that he/she must provide a statement that a Division-licensed tower crane certifier/surveyor or distributor's/manufacture's safety representative will be present during any of the aforementioned tower crane procedures. In addition, the proposal will afford the employer greater ease and flexibility in complying with the regulation to the extent that the supervision of the erection, climbing and dismantling of a tower crane will no longer be limited to a certified agency's representative.

IDENTIFIED ALTERNATIVES THAT WOULD LESSEN ADVERSE IMPACT ON SMALL BUSINESSES

No adverse impact on small businesses is anticipated from the implementation of the proposed amendments. The proposed amendment is merely a technical, clarifying editorial revision to ensure consistency between regulations contained in the GISO and those of the Division of Occupational Safety and Health. Board staff anticipates no new or added effect upon the employer's operations that would result in the employer incurring additional cost. Therefore, no alternatives which would lessen the impact on small businesses have been identified.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action (see "Identified Alternatives that Would Lessen Adverse Impact on Small Businesses"). In addition, Board staff has not

identified any state agencies that own and/or operate tower cranes. Therefore, Board staff does not anticipate the proposal will have any direct impact, positive or negative, upon state agencies.

Impact on Housing Costs

The proposal will not significantly affect housing costs.

Impact on Businesses

This proposal will not result in a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states. The proposed amendments consist of a technical and/or clarifying change which will render regulations pertaining to the erection, climbing and dismantling of tower cranes contained in the GISO consistent with those of the Division of Occupational Safety and Health. Therefore, Board staff does not believe the proposal will have a new or added effect upon the employer with respect to tower crane operations.

Cost Impact on Private Persons or Entities

The proposal will not require private persons or entities to incur additional costs in complying with the proposal.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under “Determination of Mandate”.

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulation does not impose a local mandate. Reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendment will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, this regulation does not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

The proposed regulation does not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulation requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed regulation does not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

The proposed regulation does not impose unique requirements on local governments. All employers - state, local and private - will be required to comply with the prescribed standard.

PLAIN ENGLISH STATEMENT

It has been determined that the proposal may affect small business. The express terms of the proposal written in plain English have been prepared by the Board pursuant to Government Code Sections 11342(e) and 11346.2(a)(1) and are available from the agency contact person named in the notice. The informative digest for this proposal constitutes a plain English overview.

ASSESSMENT

The adoption of the proposed amendment to this regulation will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

ALTERNATIVES CONSIDERED

Our agency must determine that no alternative considered by us would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

2. **TITLE 8:** **GENERAL INDUSTRY SAFETY ORDERS**
Chapter 4, Subchapter 7, Article 107
Section 5155
Airborne Contaminants

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

Section 5155, Airborne Contaminants, establishes minimum requirements for controlling employee exposure to specific airborne contaminants. This Section specifies several types of airborne exposure limits, requirements for control of skin and eye contact, workplace environmental monitoring through measurement or calculation, and medical surveillance requirements. California periodically amends the airborne contaminants table (Table AC-1) in this regulation to keep the standard consistent with current information regarding harmful effects of exposure to these substances and other new substances not listed. The standard was last revised in 1994. In this revision, the substances chosen for review were taken from the 1993-1994, 1995-1996, and the 1996-1997 editions of the Threshold Limit Values (TLVs) published by the American Conference of Governmental Industrial Hygienists (ACGIH). Additionally, the exposure limit for fiberglass insulation materials is proposed to be changed due to the

consideration of a petition requesting an exposure limit based on airborne fiber counts. The particular substances which are the subject of this rulemaking action are as follows:

The exposure limits of the following substances are proposed to be lowered:

Acetaldehyde
Ammonium perfluorooctanoate
p-tert-Butyltoluene
Water insoluble Cr (VI) compounds
Cobalt
p-Dichlorobenzene
Diethanolamine
Diethylamine
2-(Diethylamino)ethanol
1,1-Dimethylhydrazine
EPN
Ethylamine
Ethyl chloride
Ethylene glycol
Glycidol
Heptachlor
Hydrazine
Manganese, manganese compounds, manganese fume, and manganese tetroxide
Mercury and inorganic mercury compounds
Methyl hydrazine
Nitromethane
Phenyl glycidyl ether
Tetranitromethane
Trichloroethylene
Triethylamine
Vinyl acetate
Vinyl cyclohexene dioxide

Exposure limits for the following substances are proposed to be added to Table AC-1 (new substances):

Acetone cyanohydrin
Acetophenone
Adipic acid
Adiponitrile
Benzoyl chloride
Benzyl acetate
1,4-Dichloro-2-butene
Dimethylethoxysilane
Hexachlorobenzene
Methyl tert-butyl ether
Sulfometuron methyl
Terephthalic acid
Triethanolamine

Short term exposure limits (STEL) are proposed for the following substances in Table AC-1:

Carbon tetrachloride
Perchloroethylene

Skin notations are proposed for:

Adiponitrile
1,4-Dichloro-2-butene
Diethanolamine
Diethylamine
Ethylamine
Ethyl chloride
Hexachlorobenzene
Phenyl glycidyl ether
Triethylamine
4-Vinyl cyclohexene

Ceiling limits are proposed to be added to the following substances in Table AC-1:

Acetaldehyde
Bromine
Diethylamine
Ethylamine
Hydrogen cyanide
Triethylamine
Trimellitic anhydride

The ceiling limit for manganese and manganese compounds is proposed to be deleted and replaced with an eight hour time weighted average limit.

The current reference from “Glass, fibrous or dust (<7µm in diameter)” to “Particulates not otherwise regulated” is proposed to be replaced with a new PEL for “Glass, fibrous” based on the unit fibers per cubic centimeter.

Respirable fraction limits are proposed to be added to the PELs for amorphous Silica, Diatomaceous earth, and Diquat.

The effect of this amendment is to reduce the risk of material impairment of health or functional capacity for employees exposed to the above substances.

All proposed changes to Section 5155 are considered at least as effective or more stringent than the federal OSHA requirements in Title 29, Code of Federal Regulations (29 CFR) section 1910.1000, Airborne contaminants.

DOCUMENTS INCORPORATED BY REFERENCE

- The National Institute for Occupational Safety and Health (NIOSH), Method 7400, Issue 2, August 15, 1994.

This document is too cumbersome to publish in Title 8. Therefore, it is proposed to incorporate the document by reference. Copies of this document are available for review during normal business hours at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

COST ESTIMATES OF PROPOSED ACTION

The subject regulation is a revision of an existing regulation which specifies requirements for airborne contaminants. The primary users of these substances are the private industrial and chemical sectors. Those rare public sector workplaces where these substances are used should already be in compliance with the existing regulation, and the revised regulation should not necessitate any additional cost to remain in compliance. Based on this information, the additional expenditures for local and state governments to comply with the revised regulation are estimated to be none. Similarly, the large industrial concerns have professional internal health and safety staff who are aware of the recommendations for exposure limits published by non-governmental organizations such as the ACGIH. These companies normally control exposure to these limits as a matter of policy and to benefit employee relations. Based on this, the additional expenditures for these entities to comply with the revised regulation is estimated to be none.

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The proposal will not significantly affect housing costs.

Impact on Businesses

This proposal will not result in a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Entities

The proposal will not require private persons or entities to incur additional costs in complying with the proposal.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulations do not impose a local mandate. Reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these regulations do not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

These proposed regulations do not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulations require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed regulations do not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

These proposed regulations do not impose unique requirements on local governments. All employers - state, local, and private - will be required to comply with the prescribed standards.

PLAIN ENGLISH STATEMENT

It has been determined that the proposal may affect small business and the Board has determined that it is not feasible to draft the proposal in plain English due to the technical nature of the regulations. However, a noncontrolling plain English summary of the proposal is available from the agency contact persons named in this Notice.

ASSESSMENT

The adoption of the proposed amendments to these regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

ALTERNATIVES CONSIDERED

Our agency must determine that no alternative considered by us would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The above proposals do not contain building standards regulations as defined by Health and Safety Code Section 18909.

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a description of the problems addressed by the proposed actions, a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives to lessen the impact on small businesses is also available upon request from the Standards Board's Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be mailed so that they are received no later than May 5, 2000. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on May 11, 2000 will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided in the following paragraph. The Occupational Safety and Health Standards Board, may thereafter adopt the above proposal substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, California 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning the proposed action may be directed to the Executive Officer, John D. MacLeod at (916) 274-5721.

You can access the Board's monthly notice on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>.

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

JERE W. INGRAM, Chairman